# EXCERPTS FROM DEPARTMENT'S RECORD

• APPLICATION FOR NATURAL RESOURCES PROTECTION ACT PERMIT

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→PLEASE TYPE O										
1. Name of Applicant:	Michael E. Traphagen Dianne W. Traphagen			1 1000 1000 1000	4. Name of Agent: (if applicable)		Lauren Stockwell Stockwell Environmental Consulting			
2. Applicant's Mailing Address:	15 Albion Point Road Boothbay, ME 04537			5. Agent's Mailing Address:			58 Hendricks Hill Road Southport, ME 04576			
3. Applicant's Daytime Phone #:	207-633-3280 Cell: 772-696-5016			6. Agent	6. Agent's Daytime Phone #:		633-4417			2/
7. Applicant's Email	Address(if	applicant red	quests to receiv	ve decision	by email):					
8. Agents's Email Ad	dress(if ap	oplicant reque	ests to receive	decision by	email):	stoc	kenv@road	runner.c	om	
9. Location of Activity (Nearest Road, Street		meron Point L f Cameron Poi		8. Town:	Southport		9. Coun	ty: L	Lincoln	1
12A. Significant Grou	ndwater v	vell?	☐ Yes OR	x No	1					
12. Type of Resource: (Check all that apply)	☐ Great		k	13. Name	of Resourc		nsend Gu amed stre			
	x Coastal Wetland ☐ Freshwater Wetland ☐ Wetland Special Sign ☐ Significant Wildlife H ☐ Fragile Mountain				14. Amount of Impact: (Sq.Ft.)		78 feet	l: 4 pilings plus (4.28 sf m feet of intermittent strean edging/Veg Removal/Other:		nt stream
15. Type of Wetland:	☐ Forest		- Company of the	FC	OR FRESHV	VATER V	VETLANI	DS	interior.	603 B 8 8 8 8 8
(Check all that apply)	☐ Scrub	Shrub	Tier			er 2			er 3	
	☐ Emergent ☐ Wet Meadow ☐ Peatland ☐ Open Water ☐ Other		□ 0 - 4,999 sq ft. □ 5,000-9,999 sq ft □ 10,000-14,999 sq ft.		3,560 sq. ft.			,560 sq		
16. Brief Activity Description	of the up room for	per reaches o	20' pier with a s f an intermitter							
17. Size of Lot or Parc	:el:	square fee	t, or x 2.07 a	cres UTM	Northing:485	5076	UTM Eas	sting: 19	04464	182
18. Title, Right or Inte	rest:	x own	□ lease		urchase option			itten agr		
19. Deed Reference N	umbers:	Book#: 2594	Page: 65-67	20. Ma	p and Lot Nu	ımbers:	Map #:	25	Lot	#: 12-3
21. DEP Staff Previous Contacted:	sly	Lisa Vickers	, Chris Redmar	22. Par	t of a larger	☐ Yes x No	100	ter-the- ict:	X N	
23. Resubmission	☐ Yes→	5 2 5 5				ious proje	ect			
of Application?  24. Written Notice of	x No	If yes, name			man	ager:	25. Previo	ue Wet	hand	T□ Yes
Violation?	x No		t staff involved	ic.		= -	Altera	THEY'S AND STREET	Paria H	x No
26. Detailed Directions to the Project Site:	follow fo	or 0.5 miles. J	nport Island and lust before shar	continue for turn, take	0.5 miles. T Cameron's Po	urn right o	onto Came and follow	ron's Po to the fir	int Ro	ad and eway on
7. TIER	file right		- V	TIER	2/3 AND IND	IVIDUAL	PERMITS	7	1013	
Title, right or interest		tation x 7	itle, right or inte	rest docume	entation	x Erosion	Control/Co	nstructio	on Plan	n
J Topographic Map	2.72		opographic Ma		[0		nal Assess	ment (A	ttachm	nent 3), if
Narrative Project De		x C	Copy of Public N		contation	require	ed nsation Pla	n (Attac	hmant	Δ\ if
Distance of Assa	/2 x 11 )	× V	Information Me Vetlands Deline			require		iii (Allac	nnen	. <del>4)</del> , 11
Photos of Area	0 84:-:		(Attachment 1) t				A and oth	ners, if re	equire	d
Statement of Avoida		A AUDO	Information liste	d under Site	Conditions	<b>Statemen</b>	nt/Copy of	cover le	tter to	MHPC
∃ Statement/Copy of c	over letter	TO MHPC X	Alternatives Ana including descr impacts were A	ption of how	wetland	Description if requir	tion of Preved	viously N	/lined l	Peatland,
8. FEES, Amount End	losed:	\$422.00	pasts Well A	. Jidodriviii III						
		ATIONS A	VND SICN	ATIIDE	SIOCA	TED	N PA	GF 2		
OLIN	111 107	VIII					>14 1 M	A	AUTOCOL PROPERTY	trestante de contrabile

#L-24420- 4P-A-N
ATS#\_ 69096
Fees Paid 401.00 CK#2888
Date Received 11/14/08

\$21.00 CK#7495

**SIGNATURE PAGE:** This page MUST be submitted along with the form on the previous page. By signing below the applicant (or authorized agent), certifies that he or she has:

- x Completed all of the public notice requirements.
- x Read and understood the following:

# PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the Untied States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

# CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

### DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

"I hereby authorize the person named below to act in my b application and to furnish, upon request, supplemental information	we half as my agent in the processing of this ation in support of this permit application."
SIGNATURE OF APPLICANT, if agent involved	DATE
"Application is hereby made for a permit or permits to author certify that the information in the application is complete and authority to undertake the work described herein or am a applicant."	accurate. I further certify that I possess the
SIGNATURE OF AGENT/APPLICANT	DATE

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(pink)

# NRPA application for a pier for Michael E. Traphagen and Dianne W. Traphagen on Cameron Point Lane, Southport, Maine

The project is construction of a 20' x 6' pile-supported pier on Townsend Gut, which is located between the Sheepscot River and Boothbay Harbor in Southport, Maine. The runway will be 3' x 40' and the float will be 10' x 20', both of which will be seasonal. There will be 4 pilings below the highest tide of the year (maximum spring high tide line). Each piling will have a maximum diameter of 14 inches, resulting in a maximum impact area of 1.07 sq. ft. per pile for a total direct impact of 4.28 sq. ft. The total size of the structure is 440 sq. ft. Of this, the first 6' of the pier will be above the highest tide level (HTL). Therefore, 36 sq. ft. of structure will be above HTL and the indirect impact from shading will be 404 sq. ft. Of this, 84 sq. ft. will be over intertidal and 320 sq. ft. will be over subtidal habitat. No skidway is proposed; the float will be stored off-site in the winter by the contractor, Peter Cole.

The project will also involve relocation of 78 linear feet of the upper reaches of an intermittent stream to create a building window on the lot. In this plan, the north end of the stream will be relocated approximately 15' further west. The proposed home includes a 2000 s.f. single family residence and a 1000 s.f. garage/ apartment, as well as a driveway/circulation area.

The purpose of the pier is to provide access to the water. There are no other piers on the property and no association or neighborhood pier. The only public pier on Southport Island is the Newagen Town landing. The pier is for skiffs only. There is a waiting list of several years for moorings in the harbor. There is no boat launch at this facility. The Town of Southport recently bought a parcel in Cozy Harbor, but facilities such as a pier are in the discussion stage and are years in the future if they are ever built. The waiting list for a mooring in Cozy Harbor is more than 10 years. There is a boatyard in Southport, Boothbay Region Boatyard, but it is very expensive. The owner of this property would like his own access to the water on his waterfront lot.

The pier has been located on the lot to minimize the size of the pier. The ledge is very steep at this location reducing the length of fixed pier required to reach deep water. There is little room to move the pier to the north without infringing on the setback from the northern abutter. Moving the structure to the south would necessitate a longer pier since the shore is more gradual in slope. Further south, rocky shore turns into mudflat, then rises again to an offshore ledge. It would be very difficult to land a boat unless the pier extended to the outside of the ledge (see photos 2 and 3). There is also freshwater wetland with an intermittent stream near the southern boundary of the lot that this placement avoids.

The stream relocation is to create a level building envelope for the house site. It is necessitated by the topography of the lot. The lot is bisected by the access road to this and two lots to the north. West of the access road is very steep and has many rock

outcrops. Extensive blasting would be required to build a driveway to this portion of the lot or site a home.

East of the access road, the lot is again divided by exposed ledge, with a vertical drop of approximately 10'. The southern portion of the lot just east of the access road is the only location suitable for the waste water disposal system. There is a setback of 20' from the septic, leaving a small potential building area. Further east, below the ledge, is a drainage, which turns into an intermittent stream. The stream flows into a small freshwater wetland which empties into Townsend Gut near the southern border. Townsend Gut is located along the eastern boundary. Shoreland Zoning requires a 75' setback from the coastal wetland. There is another small potential building window between the stream and coastal wetland setback.

Mr. Traphagen had planned to build a house on the parcel. He contacted Marty E. Moore of Coastal Designers & Consultants, Inc. to look at the feasibility. His letter is attached. It states that due to the lot constraints, it would be very difficult to place a house. He further notes that: "If the intermittent stream/drainage ditch were to be relocated approximately 30 feet to the West at the base of the existing rock ledge a proposed building site would be possible."

Due to the economy, Mr. Traphagen has instead decided that he should sell the lot. He has found a buyer who has agreed to buy the parcel contingent on permit approval. This buyer is an elderly gentleman. He would like to build a one-story, one-bedroom retirement home for him and his wife. He would also like to build a garage/apartment. He contacted Knickerbocker Design Company about designing a house to fit his needs. Based on conversations with him, they feel that a 2000 s.f. one-story house with a 1000 s.f. garage with a two bedroom guest apartment would be sufficient. They have done a preliminary design that would use both the upper and lower portions of the lot (on either side of the ledge) for the house and garage/apartment. Both the house and garage apartment will not fit between the access road and the ledge. Both building areas, those on either side of the ledge, are needed to accommodate the structures. Because the perspective buyer is elderly, he wants the house as close to the proposed dock as possible. The stream will need to be relocated to fit the house east of the ledge. However, Steve Malcom of Knickerbocker Design Company feels that the house can be placed on the lot if the stream is relocated 15 feet to the west. This would eliminate the need for blasting, which he felt would be required if the relocated stream were right next to the ledge. This location also eliminates the need to remove some large trees near the base of the ledge. Knickerbocker Design Company has drawn proposed building envelopes on the survey. One copy of the full size plan and a reduced 8.5 x 11" portion are included in the application (Attachment 5). A letter from Steve Malcom is also included.

Attachment 3, topographic map with the activity location See attached.

Attachment 4, color photographs
See Photos 1 to 4 of the pier and Photos 5 of the start of the stream.

Attachment 5, overhead and side view plan See attached.

Attachment 6, additional plans Cross sectional drawings for piers See attached.

Attachment 7, a construction plan

The pier will be built from a barge, starting closest to shore and working out into the cove. The pilings will be pinned to ledge. The wood used will be environmentally friendly pressure treated wood in compliance with EPA rules. Work is scheduled to start next spring of 2009. Floats and the runway will be built off-site and installed once the pier is built.

The stream will be relocated in the late winter to spring. Erosion control, either silt fence or hay bales, will be installed east of the work area to prevent sediment from washing into Townsend Gut. A hay bale will be placed in the existing stream downstream of the proposed work to prevent downstream transport of sediments. A culvert will be placed in the drainage (upstream of the start of the intermittent stream) to allow continuation of the driveway to the house building envelope. South of this culvert, a new stream channel will be dug for the new stream location.

# Attachment 8 an erosion control plan

NA for the pier

There will be no excavation; all pilings will be driven.

For the house lot, either silt fence or hay bales will be installed east of the work area to prevent sediment from washing into Townsend Gut. A hay bale will be placed in the existing stream downstream of the proposed work to prevent downstream transport of sediments.

# Attachment 9, a site condition report

A tape was stretched along the mid-line of the proposed pier from the edge of the vegetation seaward to the intertidal zone as can be seen in Photos 1 and 2. The shore is rocky and drops in near-vertical steps in three locations. The first drop is near the vegetation along the shore and is the above the highest tide level of the year (HTL). This portion is 6' wide and is bare ledge. Below this drop is a section between 6 and 13' further seaward. This portion is below HTL and is bare ledge under the area of the proposed pier. To the north, there are a few patches of rockweed as can be seen in Photo 2. From 13 to 19', the shore has 95% cover of rockweed (Ascophyllum nodosum and Fucus vesiculosus). Other observed organisms include blue mussels (Mytilus edulis), barnacles (Semibalanus balanoides), common and smooth periwinkle (Littorina littorea and L. obtusata) on the rocks. There is a steep drop at 19' out into several feet of water at low tide.

The upland portion of the lot is forested with red spruce (*Picea rubens*) dominant. As described above, there is an intermittent stream that drains into Townsend Gut.

Freshwater wetland is associated with the southern end of the stream. A drainage, an unregulated feature, drains into the north end of the stream. In February of 2007, Lauren Stockwell of Stockwell Environmental Consulting, made a site visit to this lot at the request of Bruce Tindal of Tindal & Callahan Real Estate. An intermittent stream and forested wetland were found. At the request of the property owner, Michael Traphagen, Chris Redman of DEP made two site visits and filled out two field determination forms in 2007. His first field visit was in July of 2007 and the results are outlined in Field Determination ID: 6119. His determination was that there is a stream and freshwater wetland on the property. Mr. Traphagen asked for a second opinion on the basis that the 'stream' was a man-made ditch. Chris Redman and Colin Clark made another site visit on October 15, 2007 and confirmed that there is a stream on the property, Field Determination ID: 6280.

Lauren Stockwell of Stockwell Environmental Consulting was contacted by Mr. Traphagen in the spring of 2008 for help in filing permits to relocate the drainage/intermittent stream and for a pier. Ms. Stockwell requested another DEP site visit for a determination of the where the drainage/dug ditch transitioned into the stream. At the time of her first site visit, she had not previously known that the contractor had dug a ditch during construction of the house to the north which had previously been owned by Mr. Traphagen. According to the regulations, dug ditches are not regulated as streams. Lisa Vickers visited the site on June 30, 2008. She agreed that the north end was a drainage and not regulated. She took photos to help in the determination of the start of the stream. The photo she marked indicating the start of the stream is attached as Photo 5.

Attachment 10, the Notice of Intent to File See attached. Published in the Boothbay Register.

<u>Attachment 11</u>, for Corps review only. Applicants must submit a copy of this application and plans to the Maine Historic Preservation Commission (MHPC). Completed.

Attachment 12, Functional Assessment NA

Attachment 13, Compensation NA

# APPENDIX A: MDEP VISUAL EVALUATION: FIELD SURVEY CHECKLIST See attached.

There are no National Natural Landmarks, State or National Wildlife Refuges, Parks, Sanctuaries or Preserves within site or in the vicinity of this project. There are no properties on the National Registry of Historic properties within view of the site. Cuckolds Lighthouse, the only property on the Registry in Southport, is off Newagen Harbor at the south end of the island and not visible. Burnt Island Light and Ram Island Light, on the Registry for Boothbay Harbor, are also not visible from this location, nor are the Boothbay Harbor Library or the Auld-McCobb house in Boothbay Harbor.

This project will fit into the character of the area, which is residential with private docks. Existing docks are located on the property immediately to the north (see photo 4) and across the cove associated with Ocean Gate motel (The large building visible in photos 2 and 3). There are many other piers all along both shores of Townsend Gut including on both lots to the north.

APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST See attached and Attachment 9 above.

APPENDIX C: Supplemental Informtion for Dredging Activities in Coastal Wetland, Great Pond, River, Stream or Brook
NA

APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application
See attached.



Photo 1. View of the proposed pier location looking southeast from the shore at the Michael Traphagen property on Cameron's Point, Southport, Maine.

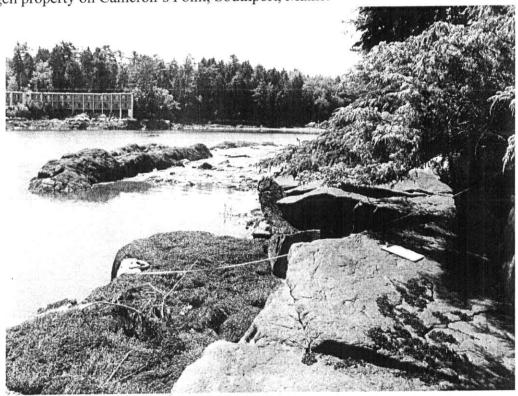


Photo 2. Side view of the proposed pier location looking south. Ocean Gate Inn in the background is located on the opposite shore of the cove.



Photo 3. Another view looking south. Note the dock on the property further south.

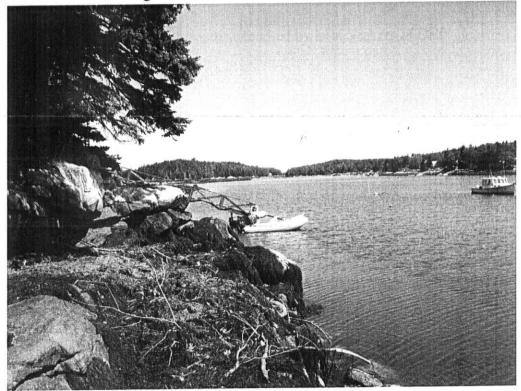


Photo 4. View looking northwest at the abutter's pier. Date: June 26, 2008

Photographer: Lauren T. Stockwell

# APPENDIX A: MDEP VISUAL EVALUATION FIELD SURVEY CHECKLIST

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Michael E. and Dianne W. Traphagen Phone: 207-633-3280, (cell) 772-696-5016 Application Type: \_\_\_Individual NRPA Activity Type: (brief activity description) Construction of a 20 x 6 foot pile-supported pier with a seasonal 40 x 3 foot ramp and a 10 x 20 foot float. Court: Lincoln Activity Location: Town: Southport GIS Coordinates, if known: Observer: Lauren Stockwell Phone: 207-633-4417 Date of Survey: June 26, 2008 Distance Between the Proposed Visibility Activity and Resource (in Miles) 1+ 1/4-1  $0^{-1/4}$ 1. Would the activity be visible from: A. A National Natural Landmark or other outstanding natural feature? B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge? C. A state or federal trail? D. A public site or structure listed on the National Register of Historic Places? E. A National or State Park? F. 1) A municipal park or public open space? 2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities? 3) A public resource, such as the Atlantic Ocean, X a great pond or a navigable river? 2. What is the closest estimated distance to a similar activity? 3. What is the closest distance to a public facility intended for a similar use? ☐Yes x No 4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons) 5. Are any of the resources checked in question 1 used by the public No xYes during the time of year during which the activity will be visible? (pink)

# APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST

NAME OF APPLICANT: Michael E.		ne W. Trapha	gen PHO	NE: <u>207-633-3</u>	280, (cell)	7/2-696-501
APPLICATION TYPE: Individual NI ACTIVITY LOCATION: Cameron Po		TOWN: So	uthport	COUNTY: <u>Li</u>	ncoln	<u>#</u> /
ACTIVITY DESCRIPTION: ☐ fill ☐ dredge				shoreline stabi intermittent str		
DATE OF SURVEY: June 26, 2008	OBSERV	ER: Lauren S	tockwell,	Stockwell Envi	ronmental	
TIME OF SURVEY: 10:30 to 11:30	TIDE A	AT SURVEY:	Low at 1	0:59, +0.4 tide		
SIZE OF DIRECT IMPACT OR FOO Intertidal area: 4.28 sq. ft. (max)	TPRINT (		4.28 sq. ft. area: <u>0 sq.</u>			
SIZE OF INDIRECT IMPACT, if kno Intertidal area: 84 sq. ft.	wn (square		. ft. (the fi rea: 320 s		e HTL)	
HABITAT TYPES PRESENT(check a □ sand beach □ boulder/cobble bea 図 ledge 図 rocky shore □ mudi	ch □ sa	and flat □n		se & fines   _)	salt marsh	
ENERGY: □ protected ⊠ semi-	orotected	□ pa	rtially exp	osed	□ exposed	
DRAINAGE:   ☐ drains completely	□ standin	g water [	□ pools	□stream o	or channel	
SLOPE: ⋈ >20% □ 10-20%	<b>□</b> :	5-10%	□ 0-5	% =	variable	
SHORELINE CHARACTER:  □ bluff/bank (height from spring	high tide:	) 🗆 be	ach 🗵	rocky □ veg	etated	100 J 300
FRESHWATER SOURCES: □ stream		river	□ wetlan	d ⊠ s	tormwater	
MARINE ORGANISMS PRESENT:	absent	occasional	commo	n abund	ant	
mussels		[X]				
clams	$\boxtimes$					
marine worms	$\boxtimes$					
rockweed				$\boxtimes$		
eelgrass	$\boxtimes$					
lobsters	$\boxtimes$					
other						
SIGNS OF SHORELINE OR INTERT	IDAL ER	OSION?	□ y	⁄es ⊠	no	
PREVIOUS ALTERATIONS?				yes 🗵	no	
CURRENT USE OF SITE AND ADJA	CENT UF		become r		eational	
PLEASE SUBMIT THE FOLLOWING						

(pink)

# Natural Resource Protection Act Application APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.

Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

THIS IS AN API	PLICATION FOR A
If y	nercial wharf res, indicate type of commercial activity: License number:
Nu	mber of fishermen using this wharf:
☐ Public	e pier, dock or wharf
☐ Comr	non or shared recreational pier, dock or wharf
X Privat	e recreational pier, dock or wharf
☐ Expai	nsion or modification of an existing structure
☐ Other	; please indicate:
<b>mooring</b> . My boat(s	T YOUR BOAT Will have skiff on dock and larger boat on a requires a draft of4' feet. ) is39' and 22'feet long.
complete /	TYOUR PROJECT SITE For coastal piers and wharves, please Appendix B of the NRPA application. For freshwater docks, please describe ate and any vegetation:  See Appendix B
SCENIC CONSI See Appendix A.	<b>DERATIONS</b> Please complete Appendix A of the NRPA application.
WHAT FACILIT	TIES ARE NEARBY?
The nearest publi5.2_miles from (distance)	c boat launch is located in <u>Newagen (Southport)</u> approximately the project location. (town)
The nearest publi	c, commercial, or private marina is located in <u>Southport</u> approximately <u>2.3</u> e project location. (town) (distance)
☐ I have inquire	ed about slip or mooring availability at the nearest marina or public facility.
☐Yes, a slip or	mooring is available.
□No, a slip o list:	or mooring is not available. Approximate expected time on waiting
X I will contact	the local Harbor Master. Name: John Lunt
I currently use th	e following for my boat: $f X$ Mooring $igsqcup Marina$

# TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MAT	ERLA	ALS:
	X	The structure will be supported by pilings.
		The structure will be supported by stacked, flow-through granite cribs blocks, measuring feet by feet
		The structure will be supported by solid fill square feet of solid fill
		Other:
DIMI	ENSI	ONS:
	Wid Leng Dim Dist Dep Dep Dep	gth of fixed section:  th of fixed section:  gth of ramp:  ensions of float:  ance the structure will extend below mean low water (MLW):  th of water at the fixed end of the structure:  th of water at the float at low tide:  th of water at the float at high tide:  ensions of any proposed buildings (e.g. bait shed):  feet high by feet wide by feet long  feet long
ACCE	SS:	
	Duri	ing construction, my project site will be accessed via:
		☐ Land
		☐ Beach/intertidal area
		X Water/barge

TO:

Beth Callahan, Project Manager

Dept. of Environmental Protection, Bureau of Land & Water Quality

FROM:

Department of Marine Resources (DMR)

SUBJECT:

REQUEST FOR PROJECT REVIEW,

PROJECT:

DEP Application #: L-24420-4P-A-N

Applicant:

Michael & Dianne Traphagen

Location:

Southport (Cameron's Pt. / Townsend Gut)

Type of Project:

Pier, Ramp & Float; & Stream Re-location

The above proposed project has been carefully reviewed and considered by DMR personnel.

DMR understands that the applicant is proposing to construct a 6 ft. x 20 ft. pier to extend from above Mean High Water (MHW) to Mean Low Water (MLW). This would be supported 4, 14 inch diameter piles pinned to ledge. The pier would have an E - W orientation with an average deck height of ~ 10 ft. above the intertidal substrate. A 3 ft. x 40 ft. aluminum ramp would connect to a 10 ft. x 20 ft. float to provide ~ 4 ft. of water at MLW according to the permit application. The applicant's are also proposing to re-locate a 50 ft. section of intermittent stream 15 ft. to the west so as to accommodate the construction of a 2,000 sq. ft. one story house.

Upland of the proposed project site is wooded and currently undeveloped. The supratidal is ledge embankment ~ 5 ft. high. The intertidal is rockweed covered ~ 15 ft. wide. Rockweed is "abundant", eelgrass is "absent".

This project as proposed should not cause any significant adverse impacts to marine resources, traditional fishing, recreation, navigation, or riparian access. The length of the re-located stream (and that length that would pass through a culvert) should be kept to the minimum necessary. Work should be done when there is no water in the stream. Erosion/sediment control measures should be carefully installed and maintained until the area is stabilized.

GEORGE D. LAPOINTE COMMISSIONER OF DMR

Date: February 17, 2009

## Forward to:

Comments - Environmental Project Review				
Maine Department of Inland Fisheries and Wildlife				
Fisheries Division Comments - Region B				
Applicant's Name: Traphagan				
Project #: 24420	Regulatory Agency: DEP			
Project Type: NRPA Project Manager: Beth Callahan				
Comments Due Date: 1/15/9 Date Comments Sent: 12/18/8				
Project Location				
Town: Southport	County: Lincoln			
Waterbody: Unnamed stream				
Fisheries Biologist: Bill Woodward				
After review of the application and consideration of the our agencies programs and responsibilities, we provide	e proposal's probable effect on the environment, and on the following comments:			

# I. Project Description/Resource Affected:

Relocation of unnamed stream( drainage)/It appears that the resource cited as a drainage has no inland fishery habitat. Therefore it is not of critical concern for this agency. By following BMP's and proper construction guidelines freshwater environs will be given attention required by this reviewer.

II. Comments/Recommended Considerations or Conditions: -See ABOVE in I

[] Check if	requesting copy of	of draft findings of fact and order.		
Signature:	Bill Woodward,	Fishery Biologist for:	Date:	December 18, 2008
Ö		Paul Jacques, Deputy Commissioner		



GOVERNOR

# MAINE HISTORIC PRESERVATION COMMISSION 55 CAPITOL STREET 65 STATE HOUSE STATION AUGUSTA, MAINE 04333

EARLE G. SHETTLEWORTH, JR.

December 10, 2008

Ms. Lauren T. Stockwell Wetland Scientist/Botanist Stockwell Environmental Consulting 58 Hendricks Hill Road Southport, ME 04576

Project:

MHPC #2252-08 -

Traphagen; Cameron Point Lane; Map 25 lot 12-3;

proposed pile-supported pier

Town:

Southport, ME

Dear Ms. Stockwell:

In response to your recent request, I have reviewed the information received November 14, 2008 to initiate consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106.

Please contact Robin Stancampiano of my staff if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney

Deputy State Historic Preservation Officer

Kinf Mohney

PRINTED ON RECYCLED PARKE

PHONE: (207) 287-2132

FAX: (207) 287-2335



GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION -55 CAPITOL STREET 65 STATE HOUSE STATION AUGUSTA, MAINE 04333

EARLE G. SHETTLEWORTH, JR.

December 10, 2008

Mr. Todd Park Merolla P.O. Box 260 Southport, ME 04576

Re: MHPC #2252-08 -

Traphagen; Cameron Point Lane; Map 25 lot 12-3; Southport, ME;

proposed pile-supported pier

Dear Mr. Merolla:

Regarding your November 20, 2008 letter, I am writing to respond to your concerns regarding the existence of an historic shell midden on the tax parcel noted above.

The archaeological site on the subject property is listed in our records as Maine Archaeological Survey 16.40. It was examined by a University of Maine archaeology field crew in 1979 and determined to be heavily disturbed. It is listed in our records as "not significant" and therefore not in need of management protection.

Please note that we received a Natural Resources Protection Act permit application for the above project on November 14, 2008. The application was reviewed by our office pursuant to Section 106 of the National Historic Preservation Act. I concluded that there will be no historic properties affected by the proposed undertaking.

Please contact Dr. Art Spiess of my staff if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney

Deputy State Historic Preservation Officer



# Tribal Historic Preservation Office Passamaquoddy Tribe

Stockwell Consulting 58 Hendricks Hill Rd Southport, ME 04576 stockenv@roadrunner.com

December 27, 2008

Re:

Boothbay- Barters Island 3 Spofford Lane

Southport- Cameron Point Edgecomb- Brick Hill Rd

Dear Lauren Stockwell;

The Passamaquoddy THPO has reviewed the following applications regarding the historic properties and significant religious and cultural properties in accordance with NHPA, NEPA, AIRFA, NAGPRA, ARPA, Executive Order 13007 Indian Sacred Sites, Executive Order 13175 Consultation and Coordination with Indian Tribal Governments, and Executive Order 12898 Environmental Justice.

The proposed 2 projects listed above will not have any impact on cultural and historical concerns of the Passamaquoddy Tribe.

Have a Happy New Year.

Sincerely;

Donald Soctomah **THPO** Passamaquoddy Tribe PO Box 159 Princeton, Maine 04668 Soctomah@ainop.com



# PENOBSCOT INDIAN NATION BONNIE NEWSOM - ARCHAEOLOGY DEPARTMENT 12 WABANAKI WAY, INDIAN ISLAND, ME 04468

E-MAIL: <u>bnewsom@penobscotnation.org</u> Fax: 207-817-7463

NAME	Lauren T. Stockwell
ADDRESS	Stockwell Environmental Consulting 58 Hendricks Hill Road Southport, ME 04576
OWNER'S NAME	Michael E. and Dianne W. Traphagen
TELEPHONE	(207) 633-4417
FAX	
EMAIL	stockenv@roadrunner.com
PROJECT NAME	Proposed pile-supported pier
PROJECT SITE	Southport, ME
DATE OF REQUEST	November 13, 2008
DATE REVIEWED	November 21, 2008

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, and subsequent updates.

Also, if Native American cultural materials are encountered during the course of the project, please contact me at (207) 817-7332. Thank you.

BONNIE NEWSOM, THPO

Penobscot Nation

From: Lauren [stockenv@roadrunner.com] Sent: Wednesday, February 04, 2009 3:29 PM

To: Callahan, Beth

Subject: Traphagen project

**Attachments:** Traphagen letter from MHPC 001.jpg; Traphagen Concept B edited 001.jpg Hi Beth,

I finally had a minute to read through all of Mr. Merolla's comments. I am sorry that he is so upset with the project. Concerning the midden, I have attached a letter from Maine Historic Preservation Commission stating that the project will have no affect on historic properties. I have previously sent you letters from both Indian tribes that responded that they had no objections. I believe that the midden is further into the cove and not on Mr. Traphagen's property.

Mr. Merolla does raise one legitimate point. The proposed culvert as shown on the plan does start on his property. This is in error. It will start at the property line and there will be no excavation or other work on Mr. Merolla's property. I have attached an updated plan showing this. The culvert will actually be straighter than it is shown on the plan.

Mr. Merolla states that the proposed relocation is much greater than 50'. The distinction is that this figure is for is the relocation of the stream. The start of the stream was determined by Lisa Vickers of DEP. The upper portion is relocation of a drainage ditch and not jurisdictional.

Mr. Merolla also notes that there is a boat launch one mile away near the Southport bridge. There is a boat launch on Townsend Gut in Boothbay Harbor. It is 2.3 miles away.

I would also like to point out that he has a pier of his own, just to the north, in the same cove. I do not feel that Mr. Traphagen's proposed pier will cause any environmental damage to the shore line (it will be over ledge) and will not block boat traffic in the cove.

How did the meeting with Mr. Merolla go last week?

Please let me know if he has raised any other concerns that need to be addressed. Have you heard from any of the other agencies at this time? Thank you, Lauren

Stockwell Environmental Consulting 58 Hendricks Hill Road Southport, ME 04576 207-633-4417

cell: 207-542-2421

website: www.stockenv.com

# Callahan, Beth

From:

Lauren [stockenv@roadrunner.com]

Sent:

Tuesday, July 28, 2009 9:04 AM

To:

Callahan, Beth

Cc:

Michael Traphagen

Subject: Michael Traphagen L-24420-4P-A-N

### Hi Beth,

I just spoke with Michael Traphagen. He has decided that he would like you to issue the NRPA permit for the pier on his property. If he gets Town approval to be within 75' of the stream, he will re-apply for that as a separate application. Thank you very much for your patience.

Lauren

Stockwell Environmental Consulting 58 Hendricks Hill Road Southport, ME 04576 207-633-4417

cell: 207-542-2421

website: www.stockenv.com

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